



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB1364

Introduced 02/09/05, by Rep. Wyvetter H. Younge

SYNOPSIS AS INTRODUCED:

430 ILCS 15/1	from Ch. 127 1/2, par. 153
430 ILCS 15/2	from Ch. 127 1/2, par. 154
430 ILCS 15/4	from Ch. 127 1/2, par. 156
430 ILCS 15/4.5 new	
430 ILCS 15/6	from Ch. 127 1/2, par. 158
430 ILCS 15/6.1	from Ch. 127 1/2, par. 158.1
430 ILCS 15/7	from Ch. 127 1/2, par. 159

Amends the Gasoline Storage Act. Provides that the owner of an aboveground storage tank storing petroleum or hazardous substances shall register the tank with the Office of the State Fire Marshal. Provides that the owner of an aboveground storage tank shall notify the Office of any changes in the contents of the aboveground storage tank under specified circumstances. Expands the rulemaking authority of the Office to regulate aboveground storage tanks. Defines "aboveground storage tank".

LRB094 06406 RXD 36492 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Gasoline Storage Act is amended by changing
5 Sections 1, 2, 4, 6, 6.1, and 7 and by adding Section 4.5 as
6 follows:

7 (430 ILCS 15/1) (from Ch. 127 1/2, par. 153)

8 Sec. 1. It shall be unlawful for any person, firm,
9 association or corporation to keep, store, transport, sell or
10 use any crude petroleum, benzine, benzol, gasoline, naphtha,
11 ether or other like volatile combustibles, or other flammable
12 or combustible liquids ~~compounds~~, in such manner or under such
13 circumstances as will jeopardize life or property.

14 (Source: Laws 1919, p. 692.)

15 (430 ILCS 15/2) (from Ch. 127 1/2, par. 154)

16 Sec. 2. Jurisdiction; regulation of tanks.

17 (1) (a) Except as otherwise provided in this Act, the
18 jurisdiction of the Office of the State Fire Marshal under this
19 Act shall be concurrent with that of municipalities and other
20 political subdivisions. The Office of the State Fire Marshal
21 has power to promulgate, pursuant to the Illinois
22 Administrative Procedure Act, reasonable rules and regulations
23 governing the keeping, storage, transportation, sale or use of
24 gasoline, flammable and combustible liquids and other volatile
25 oils. Nothing in this Act shall relieve any person,
26 corporation, or other entity from complying with any zoning
27 ordinance of a municipality or home rule unit enacted pursuant
28 to Section 11-13-1 of the Illinois Municipal Code or any
29 ordinance enacted pursuant to Section 11-8-4 of the Illinois
30 Municipal Code.

31 (b) The rulemaking power shall include the power to

1 promulgate rules providing for the issuance and revocation of
2 permits allowing the self service dispensing of motor fuels as
3 such term is defined in the Motor Fuel Tax Law in retail
4 service stations or any other place of business where motor
5 fuels are dispensed into the fuel tanks of motor vehicles,
6 internal combustion engines or portable containers. Such rules
7 shall specify the requirements that must be met both prior and
8 subsequent to the issuance of such permits in order to insure
9 the safety and welfare of the general public. The operation of
10 such service stations without a permit shall be unlawful. The
11 Office of the State Fire Marshal shall revoke such permit if
12 the self service operation of such a service station is found
13 to pose a significant risk to the safety and welfare of the
14 general public.

15 (c) However, except in any county with a population of
16 1,000,000 or more, the Office of the State Fire Marshal shall
17 not have the authority to prohibit the operation of a service
18 station solely on the basis that it is an unattended
19 self-service station which utilizes key or card operated
20 self-service motor fuel dispensing devices. Nothing in this
21 paragraph shall prohibit the Office of the State Fire Marshal
22 from adopting reasonable rules and regulations governing the
23 safety of self-service motor fuel dispensing devices.

24 (d) The State Fire Marshal shall not prohibit the
25 dispensing or delivery of flammable or combustible motor
26 vehicle fuels directly into the fuel tanks of vehicles from
27 tank trucks, tank wagons, or other portable tanks. The State
28 Fire Marshal shall adopt rules (i) for the issuance of permits
29 for the dispensing of motor vehicle fuels in the manner
30 described in this paragraph (d), (ii) that establish fees for
31 permits and inspections, and provide for those fees to be
32 deposited into the Fire Prevention Fund, (iii) that require the
33 dispensing of motor fuel in the manner described in this
34 paragraph (d) to meet conditions consistent with nationally
35 recognized standards such as those of the National Fire
36 Protection Association, and (iv) that restrict the dispensing

1 of motor vehicle fuels in the manner described in this
2 paragraph (d) to the following:

3 (A) agriculture sites for agricultural purposes,

4 (B) construction sites for refueling construction
5 equipment used at the construction site,

6 (C) sites used for the parking, operation, or
7 maintenance of a commercial vehicle fleet, but only if the
8 site is located in a county with 3,000,000 or more
9 inhabitants or a county contiguous to a county with
10 3,000,000 or more inhabitants and the site is not normally
11 accessible to the public, and

12 (D) sites used for the refueling of police, fire, or
13 emergency medical services vehicles or other vehicles that
14 are owned, leased, or operated by (or operated under
15 contract with) the State, a unit of local government, or a
16 school district, or any agency of the State and that are
17 not normally accessible to the public.

18 (2) (a) The Office of the State Fire Marshal shall adopt
19 rules and regulations regarding underground storage tanks and
20 associated piping and no municipality or other political
21 subdivision shall adopt or enforce any ordinances or
22 regulations regarding such underground tanks and piping other
23 than those which are identical to the rules and regulations of
24 the Office of the State Fire Marshal. It is declared to be the
25 law of this State, pursuant to paragraphs (h) and (i) of
26 Section 6 of Article VII of the Illinois Constitution, that the
27 establishment and enforcement of standards regarding
28 underground storage tanks and associated piping within the
29 jurisdiction of the Office of the State Fire Marshal is an
30 exclusive State function which may not be exercised
31 concurrently by a home rule unit except as expressly permitted
32 in this Act.

33 (b) The Office of the State Fire Marshal may enter into
34 written contracts with municipalities of over 500,000 in
35 population to enforce the rules and regulations adopted under
36 this subsection.

1 (3) (a) The Office of the State Fire Marshal shall have
2 authority over underground storage tanks which contain, have
3 contained, or are designed to contain petroleum, hazardous
4 substances and regulated substances as those terms are used in
5 Subtitle I of the Hazardous and Solid Waste Amendments of 1984
6 (P.L. 98-616), as amended by the Superfund Amendments and
7 Reauthorization Act of 1986 (P.L. 99-499). The Office shall
8 have the power with regard to underground storage tanks to
9 require any person who tests, installs, repairs, replaces,
10 relines, or removes any underground storage tank system
11 containing, formerly containing, or which is designed to
12 contain petroleum or other regulated substances, to obtain a
13 permit to install, repair, replace, reline, or remove the
14 particular tank system, and to pay a fee set by the Office for
15 a permit to install, repair, replace, reline, upgrade, test, or
16 remove any portion of an underground storage tank system. All
17 persons who do repairs above grade level for themselves need
18 not pay a fee or be certified. All fees received by the Office
19 from certification and permits shall be deposited in the Fire
20 Prevention Fund for the exclusive use of the Office in
21 administering the Underground Storage Tank program.

22 (b) (i) Within 120 days after the promulgation of
23 regulations or amendments thereto by the Administrator of the
24 United States Environmental Protection Agency to implement
25 Section 9003 of Subtitle I of the Hazardous and Solid Waste
26 Amendments of 1984 (P.L. 98-616) of the Resource Conservation
27 and Recovery Act of 1976 (P.L. 94-580 ~~95-580~~), as amended, the
28 Office of the State Fire Marshal shall adopt regulations or
29 amendments thereto which are identical in substance. The
30 rulemaking provisions of Section 5-35 of the Illinois
31 Administrative Procedure Act shall not apply to regulations or
32 amendments thereto adopted pursuant to this subparagraph (i).

33 (ii) The Office of the State Fire Marshal may adopt
34 additional regulations relating to an underground storage tank
35 program that are not inconsistent with and at least as
36 stringent as Section 9003 of Subtitle I of the Hazardous and

1 Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource
2 Conservation and Recovery Act of 1976 (P.L. 94-580), as
3 amended, or regulations adopted thereunder. Except as provided
4 otherwise in subparagraph (i) of this paragraph (b), the Office
5 of the State Fire Marshal shall not adopt regulations relating
6 to corrective action at underground storage tanks. Regulations
7 adopted pursuant to this subsection shall be adopted in
8 accordance with the procedures for rulemaking in Section 5-35
9 of the Illinois Administrative Procedure Act.

10 (c) The Office of the State Fire Marshal shall require any
11 person, corporation or other entity who tests an underground
12 tank or its piping or cathodic protection for another to report
13 the results of such test to the Office.

14 (d) In accordance with constitutional limitations, the
15 Office shall have authority to enter at all reasonable times
16 upon any private or public property for the purpose of:

17 (i) Inspecting and investigating to ascertain possible
18 violations of this Act, of regulations thereunder or of
19 permits or terms or conditions thereof; or

20 (ii) In accordance with the provisions of this Act,
21 taking whatever emergency action, that is necessary or
22 appropriate, to assure that the public health or safety is
23 not threatened whenever there is a release or a substantial
24 threat of a release of petroleum or a regulated substance
25 from an underground storage tank.

26 (e) The Office of the State Fire Marshal may issue an
27 Administrative Order to any person who it reasonably believes
28 has violated the rules and regulations governing underground
29 storage tanks, including the installation, repair, leak
30 detection, cathodic protection tank testing, removal or
31 release notification. Such an order shall be served by
32 registered or certified mail or in person. Any person served
33 with such an order may appeal such order by submitting in
34 writing any such appeal to the Office within 10 days of the
35 date of receipt of such order. The Office shall conduct an
36 administrative hearing governed by the Illinois Administrative

1 Procedure Act and enter an order to sustain, modify or revoke
2 such order. Any appeal from such order shall be to the circuit
3 court of the county in which the violation took place and shall
4 be governed by the Administrative Review Law.

5 (f) The Office of the State Fire Marshal shall not require
6 the removal of an underground tank system taken out of
7 operation before January 2, 1974, except in the case in which
8 the office of the State Fire Marshal has determined that a
9 release from the underground tank system poses a current or
10 potential threat to human health and the environment. In that
11 case, and upon receipt of an Order from the Office of the State
12 Fire Marshal, the owner or operator of the nonoperational
13 underground tank system shall assess the excavation zone and
14 close the system in accordance with regulations promulgated by
15 the Office of the State Fire Marshal.

16 (4) (a) The Office of the State Fire Marshal shall adopt
17 rules and regulations regarding aboveground storage tanks and
18 associated piping and no municipality or other political
19 subdivision shall adopt or enforce any ordinances or
20 regulations regarding such aboveground tanks and piping other
21 than those which are identical to the rules and regulations of
22 the Office of the State Fire Marshal unless, in the interest of
23 fire safety, the Office of the State Fire Marshal delegates
24 such authority to municipalities, political subdivisions or
25 home rule units. It is declared to be the law of this State,
26 pursuant to paragraphs (h) and (i) of Section 6 of Article VII
27 of the Illinois Constitution, that the establishment of
28 standards regarding aboveground storage tanks and associated
29 piping within the jurisdiction of the Office of the State Fire
30 Marshal is an exclusive State function which may not be
31 exercised concurrently by a home rule unit except as expressly
32 permitted in this Act.

33 (b) The Office of the State Fire Marshal shall enforce its
34 rules and regulations concerning aboveground storage tanks and
35 associated piping; however, municipalities may enforce any of
36 their zoning ordinances or zoning regulations regarding

1 aboveground tanks. The Office of the State Fire Marshal may
2 issue an administrative order to any owner of an aboveground
3 storage tank and associated piping it reasonably believes to be
4 in violation of such rules and regulations to remedy or remove
5 any such violation. Such an order shall be served by registered
6 or certified mail or in person. Any person served with such an
7 order may appeal such order by submitting in writing any such
8 appeal to the Office within 10 days of the date of receipt of
9 such order. The Office shall conduct an administrative hearing
10 governed by the Illinois Administrative Procedure Act and enter
11 an order to sustain, modify or revoke such order. Any appeal
12 from such order shall be to the circuit court of the county in
13 which the violation took place and shall be governed by the
14 Administrative Review Law.

15 (Source: P.A. 91-851, eff. 1-1-01; 92-618, eff. 7-11-02;
16 revised 10-9-03.)

17 (430 ILCS 15/4) (from Ch. 127 1/2, par. 156)

18 Sec. 4. Underground Storage Tank Program; administration.

19 (a) In cooperation with the Illinois Environmental
20 Protection Agency, the Office of the State Fire Marshal shall
21 administer the Illinois Underground Storage Tank Program in
22 accordance with this Section and Section 22.12 of the
23 Environmental Protection Act.

24 (b) (1) (A) The owner of an underground storage tank that
25 was not taken out of operation before January 2, 1974, and that
26 at any time between January 1, 1974, and September 24, 1987,
27 contained petroleum or petroleum products or hazardous
28 substances, with the exception of hazardous wastes, shall
29 register the tank with the Office of the State Fire Marshal. No
30 underground storage tank taken out of operation before January
31 2, 1974, may be registered under this Act. No underground
32 storage tank otherwise required to be registered under this
33 subparagraph (A) may be registered under this Act if that tank
34 was removed before September 24, 1987.

35 (B) The owner of a heating oil underground storage tank

1 having a capacity of greater than 1100 gallons that was not
2 taken out of operation before January 2, 1974, and that at any
3 time between January 1, 1974, and July 11, 1990, contained
4 heating oil shall register the tank with the Office of the
5 State Fire Marshal. No heating oil underground storage tank
6 taken out of operation before January 2, 1974, may be
7 registered under this Act. No heating oil underground storage
8 tank otherwise required to be registered under this
9 subparagraph (B) may be registered under this Act if that tank
10 was removed before July 11, 1990.

11 (C) The owner of a heating oil underground storage tank
12 having a capacity of 1,100 gallons or less that was not taken
13 out of operation before January 2, 1974, and that any time
14 between January 1, 1974, and September 6, 1991, contained
15 heating oil shall register the tank with the Office of State
16 Fire Marshal. No heating oil underground storage tank taken out
17 of operation before January 2, 1974, may be registered under
18 this Act. No heating oil underground storage tank otherwise
19 required to be registered under this subparagraph (C) may be
20 registered under this Act if that tank was removed before
21 September 6, 1991.

22 (D) "Operation", as used in this subsection (b), means that
23 the tank must have had input or output of petroleum, petroleum
24 products, or hazardous substances, with the exception of
25 hazardous wastes, during the regular course of its usage.
26 "Operation" does not include (i) compliance with leak detection
27 requirements as prescribed by rules and regulations of the
28 Office of State Fire Marshal or (ii) the mere containment or
29 storage of petroleum, petroleum products, or hazardous
30 substances, with the exception of hazardous wastes.

31 (2) The owner of an underground storage tank who registered
32 the tank with the Office of the State Fire Marshal under
33 Section 4 of the State Fire Marshal Act prior to September 24,
34 1987 shall be deemed to have registered the tank under
35 paragraph (1).

36 (3) (A) Each person required to register an underground

1 storage tank, other than a heating oil underground storage
2 tank, under paragraph (1) shall pay the Office of the State
3 Fire Marshal a registration fee of \$500 for each tank
4 registered, to be deposited in the Underground Storage Tank
5 Fund.

6 (B) Each person required to register a heating oil
7 underground storage tank shall pay to the Office of the State
8 Fire Marshal a registration fee of \$100 for each tank
9 registered before July 2, 1992, and \$500 for each tank
10 registered after July 1, 1992, to be deposited into the
11 Underground Storage Tank Fund.

12 (C) No registration fee shall be due under this paragraph
13 (3) for underground storage tanks deemed registered pursuant to
14 paragraph (2).

15 (4) The Office of the State Fire Marshal shall establish
16 procedures relating to the collection of the fees authorized by
17 this subsection. Such procedures shall include, but need not be
18 limited to, the time and manner of payment to the Office of the
19 State Fire Marshal.

20 (5) The State Fire Marshal is authorized to enter into such
21 contracts and agreements as may be necessary, and as
22 expeditiously as necessary, to carry out the Office of the
23 State Fire Marshal's duties under this subsection.

24 (6) (A) The owner of an underground storage tank, other than
25 a heating oil underground storage tank, which is installed or
26 replaced after September 24, 1987, and which contained,
27 contains or may contain petroleum or petroleum products or
28 hazardous substances, with the exception of hazardous wastes,
29 shall register the tank with the Office of the State Fire
30 Marshal prior to the installation or replacement.

31 (B) The owner of a heating oil underground storage tank
32 installed or replaced after July 11, 1990, and which contained
33 or may contain heating oil shall register the tank with the
34 Office of the State Fire Marshal before the installation or
35 replacement.

36 (7) Any person required to register an underground storage

1 tank under paragraph (1) or paragraph (6) of this subsection
2 shall register the tank on forms provided by the Office of the
3 State Fire Marshal.

4 (c) Except as otherwise provided in subsection (d), a
5 person who is the owner of an underground storage tank
6 containing petroleum or petroleum products or hazardous
7 substances, except hazardous waste, registered under
8 subsection (b) shall notify the Office of the State Fire
9 Marshal of any change in the information required under this
10 Section or of the removal of an underground storage tank from
11 service.

12 (d) A person who is the owner of an underground storage
13 tank containing petroleum or petroleum products or hazardous
14 substances, except hazardous waste, the contents of which are
15 changed routinely, shall indicate all the materials which are
16 stored in the tank on the registration form. A person providing
17 the information described in this subsection is not required to
18 notify the Office of the State Fire Marshal of changes in the
19 contents of the tank unless the material to be stored in the
20 tank differs from the information provided on the registration
21 form.

22 (e) For purposes of this Act:

23 The terms "petroleum" and "underground storage tank" shall
24 have the meanings ascribed to them in Subtitle I of the
25 Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of
26 the Resource Conservation and Recovery Act of 1976 (P.L.
27 94-580), except that "underground storage tank" shall include
28 heating oil underground storage tanks; however no release
29 detection shall be required of heating oil tanks, in existence
30 as of July 11, 1990, prior to December 22, 1998. The Office of
31 the State Fire Marshal shall have the authority to determine
32 the criteria for classification of an underground storage tank
33 as being either a petroleum underground storage tank or a
34 hazardous substance underground storage tank.

35 When used in connection with, or when otherwise relating
36 to underground storage tanks, the terms "operator", "owner",

1 and "facility" shall have the meanings ascribed to them in
2 Subtitle I of the Hazardous and Solid Waste Amendments of 1984
3 (P.L. 98-616) of the Resource Conservation and Recovery Act of
4 1976 (P.L. 94-580).

5 "Bodily injury" means bodily injury, sickness, or disease
6 sustained by a person, including death at any time, resulting
7 from a release of petroleum from an underground storage tank.

8 "Property damage" means physical injury to, destruction
9 of, or contamination of tangible property, including all
10 resulting loss of use of that property; or loss of use of
11 tangible property that is not physically injured, destroyed, or
12 contaminated, but has been evacuated, withdrawn from use, or
13 rendered inaccessible because of an occurrence.

14 "Occurrence" means an accident, including continuous or
15 repeated exposure to conditions, which results in a release of
16 petroleum into the environment from an underground storage
17 tank.

18 "Heating oil" means petroleum that is No. 1, No. 2, No. 4
19 light, No. 4 heavy, No. 5 light, No. 5 heavy, or No. 6
20 technical grades of fuel oil; or other residual fuel oils
21 including Navy Special Fuel Oil and Bunker C.

22 "Heating oil underground storage tank" means an
23 underground storage tank serving other than farms or
24 residential units that is used exclusively to store heating oil
25 for consumptive use on the premises where stored.

26 "Aboveground storage tank" means any one or combination of
27 tanks (including aboveground pipes connected thereto) which
28 contain an accumulation of regulated substances, and the volume
29 of which (including the volume of the aboveground pipes
30 connected thereto) is 90% or more above the surface of the
31 ground.

32 (Source: P.A. 87-323; 87-1088; 88-496.)

33 (430 ILCS 15/4.5 new)

34 Sec. 4.5. Aboveground storage tanks; administration. The
35 owner of an aboveground storage tank having a capacity of

1 greater than 1,000 gallons, shall register the aboveground
2 storage tank with the Office of the State Fire Marshal. The
3 State Fire Marshal shall adopt such reasonable rules (i) for
4 the registration of aboveground storage tanks, (ii) that
5 establish fees for the registration, and provide for those fees
6 to be deposited into the Fire Prevention Fund, and (iii) that
7 aboveground storage tanks are installed and maintained in a
8 safe manner. The State Fire Marshal is authorized to enter into
9 such contracts and agreements as may be necessary, and as
10 expeditiously necessary, to carry out the Office of the State
11 Fire Marshal's duties under this subsection. Any person
12 required to register an aboveground storage tank shall register
13 the tank on forms provided by the Office of the State Fire
14 Marshal.

15 (430 ILCS 15/6) (from Ch. 127 1/2, par. 158)

16 Sec. 6. (a) If necessary or appropriate to assure that the
17 public health or safety is not threatened, the Office of State
18 Fire Marshal shall have authority to:

19 (1) (A) provide notice to the owner or operator, or both, of
20 an underground storage tank or aboveground storage tank
21 whenever there is a release or substantial threat of a release
22 of petroleum or regulated substances from such tank. Such
23 notice shall include the identified emergency action and an
24 opportunity for the owner or operator, or both, to perform the
25 emergency action; or

26 (B) undertake emergency action whenever there is a release
27 or substantial threat of a release of petroleum or regulated
28 substances from an underground storage tank or aboveground
29 storage tank.

30 (2) If notice has been provided under clause (A) of
31 paragraph (1) of this subsection, the Office shall have the
32 authority to require the owner or operator, or both, of an
33 underground storage tank or aboveground storage tank to
34 undertake emergency action whenever there is a release or
35 substantial threat of a release of petroleum or regulated

1 substances from such tank.

2 (3) The emergency action undertaken or required under this
3 Section shall be such as may be necessary or appropriate to
4 assure that the public health or safety is not threatened.

5 (b) In accordance with constitutional limitations, the
6 Office shall have authority to enter at all reasonable times
7 upon any private or public property for the purpose of taking
8 emergency action whenever there is a release or substantial
9 threat of a release of petroleum or regulated substances from
10 an underground storage tank or aboveground storage tank.

11 (c) The Office shall require emergency action under
12 paragraph (2) of subsection (a) through issuance of an
13 Administrative Order. Such an order shall be served by
14 registered or certified mail or in person and may order
15 emergency action. Any person served with such an order may
16 appeal such order by submitting in writing any such appeal to
17 the Office within 10 days of the date of receipt of such order.
18 The Office shall conduct an administrative hearing governed by
19 The Illinois Administrative Procedure Act and enter an order to
20 sustain, modify or revoke such order. Any appeal from such
21 order shall be to the circuit court of the county in which the
22 violation took place and shall be governed by the
23 Administrative Review Law.

24 (d) Neither the State, the State Fire Marshal, nor any
25 State employee shall be liable for any damages or injury
26 arising out of or resulting from any action taken under Section
27 6.

28 (Source: P.A. 85-1325.)

29 (430 ILCS 15/6.1) (from Ch. 127 1/2, par. 158.1)

30 Sec. 6.1. Financial responsibility.

31 (a) Each owner or operator shall establish and maintain
32 evidence of financial responsibility, as provided in this
33 Section, for taking corrective action and compensating third
34 parties for bodily injury and property damage.

35 (b) Each owner or operator shall maintain financial

1 responsibility at the following minimum amounts:

- 2 (1) \$10,000 per occurrence for corrective action;
3 (2) \$10,000 per occurrence for bodily injury and
4 property damage to third parties.

5 (c) Each owner or operator shall establish and maintain
6 evidence of financial responsibility by any combination of the
7 following:

- 8 (1) commercial or private insurance, including risk
9 retention groups;
10 (2) qualification as a self insurer; or
11 (3) guarantee, surety bond, letter of credit,
12 certificate of deposit, or designated savings account.

13 To qualify as a self insurer under this Section, the owner
14 or operator must demonstrate net worth equal to or in excess of
15 10 times the amount specified in subsection (b) of this
16 Section.

17 (d) The establishment and enforcement of standards for the
18 financial responsibility of the owners and operators of
19 underground storage tanks and aboveground storage tanks, and
20 associated piping are exclusive powers and functions of the
21 State. A home rule unit may not regulate or establish standards
22 for the financial responsibility of the owners and operators of
23 underground storage tanks or aboveground storage tanks. This
24 Section is a denial and limitation of home rule powers and
25 functions under subsection (h) of Section 6 of Article VII of
26 the Illinois Constitution.

27 (Source: P.A. 87-323.)

28 (430 ILCS 15/7) (from Ch. 127 1/2, par. 159)

29 Sec. 7. (a) A violation of:

- 30 (1) paragraph (a) or (b) of subsection (3) of Section 2
31 of this Act is a business offense punishable by a fine of
32 not more than \$10,000 per day;

33 (2) (blank);

34 (2.5) Section 4.5 of this Act is a business offense
35 punishable by a fine of not more than \$10,000 per day;

1 (3) Section 4 of this Act is a business offense
2 punishable by a fine of not more than \$10,000 per day;

3 (3.5) Section 3.5 of this Act is a business offense
4 punishable by fine of not more than \$10,000 per offense;

5 (4) an administrative order as described in paragraph
6 (e) of subsection (3) of Section 2, paragraph (b) of
7 subsection (4) of Section 2 or subsection (c) of Section 6
8 after it has become final is a business offense punishable
9 by a fine of not less than \$1,000 nor more than \$25,000 per
10 day;

11 (5) any other rule promulgated by the Office of the
12 State Fire Marshal is a business offense punishable by a
13 fine of not less than \$100 nor more than \$1,000 for each
14 offense or each day of continued violation.

15 (b) (Blank).

16 (c) A civil action to recover such fines may be brought by
17 the Attorney General or the State's Attorney of the county in
18 which the violation occurred.

19 (d) Any monies received by the State under this Section
20 shall be deposited into the Underground Storage Tank Fund.

21 (Source: P.A. 92-618, eff. 7-11-02.)